

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
V. : CRIMINAL NO. 09-496-3
JOSEPH LIGAMBI, et al. :

DEFENDANT LIGAMBI'S MOTION *IN LIMINE* TO BAR CERTAIN TESTIMONY AND
FOR LEAVE TO FILE ADDITIONAL MOTIONS AS THE NEED ARISES

Defendant Joseph Ligambi, by and through his attorneys, EDWIN J. JACOBS, JR., ESQUIRE and MICHAEL F. MYERS, ESQUIRE respectfully move the Court to bar government expert witness Joaquin Garcia from offering irrelevant, prejudicial, and unhelpful expert testimony at retrial, including but limited to the following topics:

- (1) The "dangerous" nature of all undercover work
- (2) References to the "fine men and women of the FBI"
- (3) References to the "great work of FBI and law enforcement"
- (4) Anecdotes about "violence"
- (5) References to the LNC as a "criminal organization"
- (6) The reasons why people borrow from loan sharks
- (7) Testimony that mobsters are unstable
- (8) "No show job" testimony
- (9) References to the FBI's poor health insurance coverage
- (10) References to Defense Expert Witness Fees
- (11) Names of any of the defendants from the original trial
- (12) Threats on his life

1. Joaquin Garcia (aka "Jack Falcone") testified as an expert witness for the government on October 31, 2012, November 1, 2012, and November 2, 2012.

2. During the course of his expert testimony, Mr. Garcia repeatedly offered testimony that was unhelpful to the trier of fact, irrelevant, and prejudicial. Pursuant to F.R.E 702, proper expert testimony must be (1) helpful to the trier of fact, (2) "based on sufficient facts or data", (3) "the product of reliable principles and methods", and (4) be "reliably applied to the facts of the case". Pursuant to F.R.E. 401, all evidentiary testimony, expert or otherwise, must (1) "have a tendency to make a fact more or less probable than it would be without the evidence"; and (2) this "fact" must "be of consequence in determining the action". Finally, pursuant to F.R.E. 403, the Court may exclude relevant evidence, that is, testimony which satisfies the prerequisites of F.R.E. 401, "if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence."

3. On October 31, 2012, Mr. Garcia was asked on direct examination if infiltrating the Gambino crime family was a "particularly dangerous mission." Instead of answering the narrow question posed by the government attorney, Mr. Garcia opted to make a sweeping generalization that any undercover law enforcement officer would "obviously" be murdered if their status was uncovered regardless of the nature of the crime he or she was investigating.

Q. Now, was this a particularly dangerous mission?

A. Absolutely. All undercover work is dangerous. At any time with any particular group, whether its white collar crime, whether it's narcotics, whether it's murder for hires or any of the other investigations, if that person is ever to see the

recording device on you, it could obviously lead to your demise.....So undercover work, regardless of what group you're dealing with, it's very dangerous. The mob, of course, is just, if not, the most dangerous of all.

Ex. A: p. 148.

4. That same day, Mr. Garcia was asked on direct examination whether he considered himself a "mob" historian. After answering "No, absolutely not", he interrupted the attorney questioning him in an attempt to make absolutely sure the jury knew that his expertise stemmed partly from speaking with "the fine men and women of the FBI who have dedicated their lives to working organized crime."

Q. Okay. Do you consider yourself a Mob historian?

A. No, absolutely not.

Q. Okay.

A. I just know what – my experience about walking among them and also what I was taught by the captain of the Gambino Crime Family and some of the other guys that I've met along the way, and of course, by the fine men and women in the FBI who have dedicated their lives to working organized crime.

Ex. B: p. 174

5. That same day, Mr. Garcia was asked on direct examination whether he met any members of Greg DePalma's crew. Instead of waiting for the attorney to finish his next question, Mr. Garcia interrupted the attorney and somehow found a way to sneak in testimony designed to bolster the reputation of the FBI in the eyes of the jury.

Q. So you get to meet the members of his crew?

A. Yes

Q. You got to -- --

A. The majority of his members. There was a couple of guys who were made guys that he said he kept them on [sic] the dark, he kept them on the side. The mob has morphed over the years, and most of it has been through the great work that the FBI and law enforcement is doing...[.]

Ex. C: p. 157

6. That same day, Mr. Garcia was asked on direct examination if there was any reason why people should fear the LCN. Mr. Garcia answered the question and then, completely unprompted by the attorney, offered a meaningless anecdote about a "kid" who once stated he was afraid of Greg DePalma when he testified against him at his trial.

Q. And some mobsters are elderly men who look more frail than burly. Is there any reason why people should fear them or be intimidated by them?

A. Because they know the power that they command. They know the fact that these individuals, as they may appear frail, they do have the backing of the entire family. If I can give an example, when I was -- -- in our particular case even when I was in trial, they had a very tough kid who was a street tough kid who ended up being shaken down by the Gambino Crime Family, and I saw this kid, he could, you know duke it up with anyone. And he was asked a similar question, are you afraid of Greg DePalma, who at the time was sitting there with a blanket, an oxygen mask, complaining that he was ill and he said yes. And the jurors actually got a chuckle out of that. And what he should have said is, I'm not afraid of this man, I know I can handle him one on one. I'm afraid of the consequences and what he could -- the reign of terror that could fall upon me if I disobey him. That's the power of the Mafia.

Ex. D: p. 179-180.

7. On the same day, Mr. Garcia was asked on direct examination whether the mob had membership applications. After answering "No", he offered unprompted testimony that all members of the LCN were criminals.

Q. -- -- can you fill out a membership application?

A. No. This is not the Knights of Columbus. This is not the Raccoon Lodge. This is not the Boy Scouts. This is a criminal organization.

Ex. E: p. 185 -186.

8. On the same day, Mr. Garcia was asked on direct examination to speculate as to why individuals borrowed from loan sharks. If there was any basis for his opinion, he did not offer it at trial. Ex. F: p. 192-194

9. On the same day, Mr. Garcia testified – unprompted – that mobsters were unstable individuals who may decide to kill a debtor for no reason other than waking up on the wrong side of the bed.

The key thing is, I know everybody always talks about, well, you, they're not going to kill the guy, simply because if they kill him, there's no way he's going to pay. But you're not dealing with stable people here, so the thought that these guys could turn around and say --- one day wake up on the wrong side of the bed and are aggravated for whatever personal problems they may have and need that money, they may just say, you know what, this guy's not worth \$1,000, this guy's not worth \$10,000. I'm gonna take him out...[.]

Ex. F: p. 193-194.

10. On the same day, Mr. Garcia was asked on direct examination to explain the concept of a "no show job" to the jury. Given that the government is barred from introducing any evidence on this topic, such testimony is irrelevant. Ex. G, p. 199-200

11. On the same day, Mr. Garcia was asked on direct examination if he knew about the activities of a retail/wholesale workers union. After answering "No clue", Mr. Garcia interrupted the government attorney and proceeded to inform the jury that FBI agents had poor health benefits compared to mobsters.

Q. Do you have -- -- do you have any idea what they do?

A. No clue.

Q. Did you ever -- --

A. I know I met with the president. We had a big pow-wow where all the -- -- a lot of guys in the crews went there, and they pitched this insurance to us all that, and so I took it and I was a member of that for a good couple of years. In fact, their medical coverage was better than the FBI's medical coverage....they found that I had atrial fibrillation, which is an irregular heartbeat. And that was what happened with --- with that. So I was not diagnosed with an Afib with the FBI's medical plan, but I was with the Mob. Go figure.

Ex. G: p. 200-201

12. On the same day, Mr. Garcia testified that the government was paying him the same amount in fees that were being paid to the defense expert witness. Ex. H: p. 202.

13. On the morning of November 1, 2012, this Court ruled that Mr. Garcia could not testify as to the roles of any of the defendants at the La Griglia meeting nor could he testify as to whether any references were made to same. While certain defendants are no longer on trial, they are still named as co-conspirators for various predicate acts in the racketeering conspiracy and the Court's earlier ruling should still apply. Ex. I: p. 77-78.

14. Later that afternoon, Mr. Garcia testified that there was a threat against his life. Ex. J: p. 31. No evidence was offered at trial that this threat ever come from the Philadelphia LCN, much less the defendants.

15. The aforementioned testimony by Mr. Garcia was improper expert testimony pursuant to F.R.E. 702, irreverent under F.R.E. 401, and in so far as any of it could be considered relevant, prejudicial under F.R.E. 403. Should the government contest any of the points in the Motion, defendant will address these issues in a reply brief. Should the government opt not to contest this Motion, defendant respectfully requests that the Court bar Mr. Garcia from providing the aforementioned testimony at retrial.

16. Additionally, defendant received the government's Jencks material roughly twelve (12) days ago on a compact disc. The material on this disc is voluminous, containing thousands upon thousands of pages of transcripts of what appears to be nearly every single witness called by the government at the first trial. Further, it contains a substantial amount of new Jencks material on Anthony Apponick, Joseph Procaccini, and others. For those reasons, defendant respectfully requests that the Court grant defendant leave to file *in limine* motions as the need arises.

WHEREFORE, defendant respectfully requests that the Court grant his Motion *In Limine* to Bar Certain Testimony and for Leave to File Additional *In Limine* Motions as the Need Arises.

Respectfully Submitted,

/s/ Michael F. Myers

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Dated: September 30, 2013

CERTIFICATE OF SERVICE

I, MICHAEL F. MYERS, Esquire, certify that on this 30th day of September, 2013,

I have served a copy of the attached brief via electronic filing upon:

Frank Labor, Esquire
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

The Honorable Eduardo Robreno
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

/s/ Michael F. Myers
Edwin J. Jacobs, Jr., Esquire
Michael F. Myers, Esquire
Attorneys for Defendant Joseph Ligambi

Ex.A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 09-496-1, 3,
: 09-496-4, 5,
: 09-496-8, 11,
: 09-496-14
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v :
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JOSEPH LIGAMBI :
also known as :
UNCLE JOE :
also known as :
UNC, et al, : Philadelphia, Pennsylvania
: October 31, 2012
Defendants : 9:29 a.m.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: FRANK A. LABOR, III, ESQUIRE
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DAVID FRITCHEY, ESQUIRE
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1301 New York Avenue, NW
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Sewell, NJ 08080
856-589-6100 • 856-589-9005

Mr. Garcia - Direct

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1 challenging proposition and one that I strongly
2 considered. And after spending a lot of time with the
3 case agent and learning about the Gambino Crime Family,
4 I thought it would be something that I would want to
5 pursue.

6 Q Now, was this a particularly dangerous mission?

7 A Absolutely. All undercover work is dangerous. At
8 any time with any particular group, whether it's white
9 collar crime, whether it's narcotics, whether it's
10 murder for hires or any of the other investigations, if
11 that person is ever to see the recording device on you,
12 it could obviously lead to your demise.

13 Also, you could be recognized on the street,
14 which, of course, will throw out and compromise your
15 identity. So undercover work, regardless of what group
16 you're dealing with, it's very dangerous. The mob, of
17 course, is just, if not, the most dangerous of all.

18 Q What did the FBI do to prepare you to undertake this
19 particular mission?

20 A Well, we kind of created a mob school, for lack of a
21 better word, and the case agent was an agent named
22 Natale Parissi, who was an Italian/American, and he's
23 the one who came forward and asked me whether I would be
24 interested in pursuing this case. And he gave me a big
25 education about organized -- his expertise throughout

Ex. B

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: 09-496-14

v

JOSEPH LIGAMBI :
also known as :
UNCLE JOE :
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: October 31, 2012
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Mr. Garcia - Direct

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1 stuff that was going on. I consulted with several
2 agents that have worked organized crime, as well as
3 cooperating witnesses, trying to give me somewhat of an
4 idea how this particular family works and operates,
5 which is kind of, almost the same as New York, except on
6 a smaller scale.

7 Q And did you -- did you succeed in learning more
8 about the people whose names you encountered and some of
9 the events that you read about?

10 A Yes. I think I'm pretty well versed on that.

11 Q Okay. Do you consider yourself a Mob historian?

12 A No, absolutely not.

13 Q Okay.

14 A I just know what -- my experience about walking
15 among them and also what I was taught by the captain of
16 the Gambino Crime Family and some of the other guys that
17 I've met along the way, and, of course, by the fine men
18 and women in the FBI who have dedicated their lives to
19 working organized crime.

20 MR. SANTAGUIDA: Object to that.

21 MR. FRITCHEY: At this time, Your Honor, we
22 would offer this witness as an expert on the nature,
23 purpose, organizational structure, rules and modus
24 operandi of La Cosa Nostra and for interpretation of
25 tapes based upon his additional research.

Ex.C

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Mr. Garcia - Direct

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1 lot of time together. I guess he -- he was very -- you
2 know, knew that I was there for him and he liked that.

3 I guess he also liked my size, and he liked
4 that I was willing to, you know, hear his stories and be
5 with him. And I became, like I said, from then on,
6 spending a lot of time to being his driver and his
7 confidante. I might have filled the void of his son who
8 had tried to commit suicide, as probably a guy that I
9 was somebody that he could talk to and relate to.

10 Q Okay. Now, you became his driver?

11 A Yes.

12 Q So you got to meet the members of his crew?

13 A Yes.

14 Q You got to --

15 A The majority of his members. There was a couple of
16 guys who were made guys that he said he kept them on the
17 dark, he kept them on the side. The Mob has morphed
18 over the years, and most of it has been through the
19 great work that the FBI and law enforcement is doing,
20 and a lot of times, they don't want to be as visible as
21 they were years ago. So he kept a couple of guys in the
22 dark.

23 And he said, look, we'll meet these guys when
24 the time is right. And that was also what the boss and
25 above passed down, we don't want the exposure. We don't

Ex. D

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Mr. Garcia - Direct

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1 A Well, working as an independent is a little
2 difficult because it may get you in trouble. You know,
3 you may cross paths with members of La Cosa Nostra, and
4 one man against an army, we all know who's going to win
5 that. Also, it gives you a sense of a -- of a group, a
6 family, being part of it, so usually a lot of these lone
7 wolves, so to speak, do eventually in time decide to be
8 part of a bigger criminal enterprise known as La Cosa
9 Nostra.

10 Q If they're invited?

11 A If -- of course, if they're invited.

12 Q And some mobsters are elderly men who look more
13 frail than burly. Is there any reason why people should
14 fear them or be intimidated by them?

15 A Because they know the power that they command. They
16 know the fact that these individuals, as they may appear
17 frail, they do have the backing of the whole family. If
18 I can give an example, when I was -- in our particular
19 case even when I was in trial, they had a very tough kid
20 who was a street-tough kid who ended up being shaken
21 down by the Gambino Crime Family, and I saw this kid, he
22 could, you know, duke it up with anyone.

23 And he was asked a similar question, are you
24 afraid of Greg DePalma, who at the time was sitting
25 there with a blanket, an oxygen mask, complaining that

Mr. Garcia - Direct

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1 he was ill, and he said yes. And the jurors actually
2 got a chuckle out of that. And what he should have said
3 is, I'm not afraid of this man, I know I can handle him
4 one on one. I'm afraid of the consequences and what he
5 could -- the reign of terror that could fall upon me if
6 I disobey him. That's the power of the Mafia.

7 Q Do American La Cosa Nostra families have a classic
8 structure?

9 A Yes. It's kind of patented to what Sicily is.
10 There is -- would you like me to expand on it,
11 counselor?

12 Q Yes, please. Please.

13 A Each family has a boss, who is kind of like the CEO
14 or the king. He's the absolute ruler. He's the guy who
15 calls the shots. He decides everything. He's the guy
16 who gets a lot of the money. It all comes up towards
17 his way, very powerful position in the family.

18 Below him, you have the underboss. That's the
19 guy who does all his street work. He's out there
20 touching base. He's shielding the boss. He's out there
21 meeting with the captains, picking up money. He's out
22 there ensuring that the boss' orders and what he wants
23 are out there being fulfilled.

24 And then the third guy, which again floats in
25 between them, is the consigliere. That's the advisor.

Ex. E

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Mr. Garcia - Direct

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1 Q So they're the ones that commit most of the workaday
2 crimes?

3 A That is correct, under the supervision of the people
4 on top.

5 Q Okay. Now, in actuality today, is every La Cosa
6 Nostra Family structured in the classic form?

7 A Well, it -- it variates -- it varies, rather. It's
8 -- again, if the boss is in jail, then you have what
9 they call an acting boss. If the underboss is in jail,
10 then you have an acting underboss. So there are these
11 slots that need to be filled in order to, you know, keep
12 this machine moving. So it's -- they are people who
13 have to step up or put up because they need to continue
14 in doing business at hand.

15 Q So the show doesn't stop when the boss goes to jail?

16 A Absolutely not. It just always goes on. The show
17 always goes on.

18 Q You touched on this earlier, but how does someone go
19 about getting into La Cosa Nostra?

20 A Well, like I said --

21 Q You -- can you --

22 A -- earlier --

23 Q -- can you fill out a membership application?

24 A No. This is not the Knights of Columbus. This is
25 not the Raccoon Lodge. This is not the Boy Scouts.

Mr. Garcia - Direct

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1 This is a criminal organization. And you don't apply to
2 become a member of La Cosa Nostra. It's you're either
3 chosen or you're put in a situation where you become one
4 of them.

5 Like for instance, I went from a victim to
6 becoming an associate. And that happens a lot, because
7 in their views, I played by the rules. I made the
8 payments, or as they would like to say sometimes, I
9 drank the Kool-Aid. I became one of them.

10 Q And the qualifications for membership?

11 A Well, you first -- to be a member of La Cosa Nostra,
12 to be a made member is different than being an
13 associate. A made member has to be an Italian male,
14 whose parents could -- the father has to be Italian.
15 The mother, of course, could be different. John Gotti's
16 mother -- Junior's mother is not Italian. I believe
17 she's not Italian, and neither was Greg DePalma's wife,
18 and his son was a made man in the Gambinos. She was
19 Jewish.

20 So it -- it does morph. It does change.
21 They're very flexible. It's not as rigid as it used to
22 be. It used to be, you had to be Sicilian, and of
23 course, that's changed. So it's always adapting. It's
24 always looking to just succeed, and they're not thick-
25 headed or block-minded to say, this is the way it's

Ex.F

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Mr. Garcia - Direct

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1 end of -- at the end -- excuse me -- at the end, he
2 still has paid zero off the principal, so he still owes
3 that \$10,000. That's one way.

4 Other ways are quick street loans that there
5 is, of course, the, you know, 30 percent on the \$1,000.
6 You pay \$130 for ten weeks or you pay \$100 for 13 weeks.
7 So it's kind of the terms that are set up by each
8 individual loanshark with the particular person.

9 Q So if you got a -- the 30 percent loan, you were
10 saying that lasts for how long?

11 A The 30 percent would be ten weeks or 13 weeks,
12 depending if you pay 100 or if you pay ten weeks for
13 130.

14 Q So you're paying 30 percent interest over a ten-week
15 period?

16 A Right. So do the math. 52 weeks, that's probably
17 about 150 percent, which quite exceeds what a normal
18 bank would offer.

19 Q Right. Now, why do people borrow from loansharks
20 when interest rates are that ridiculously high?

21 A Well, there are many reasons. Number one, they must
22 have -- they probably have terrible credit. They don't
23 want to fill out any particular forms. They may not be
24 able to pass -- once, you know, the scrutiny of what a
25 bank loan would require.

Mr. Garcia - Direct

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1 They also have the convenience. They can go
2 see the loanshark, and if the loanshark approves it, he
3 gets that money right away. So it's kind of the way
4 it's done. They know their credit is bad, and they're
5 given this opportunity to get the money if they so pass
6 that -- you know, whatever their bar is set for them.

7 Q Well, if the loanshark loans money to somebody that
8 has terrible credit and no collateral, what collateral
9 is there for the loanshark to rely on?

10 A Well, that would be the price of his head. I mean,
11 if the guy has bad credit -- if you're a loanshark, and
12 a guy you know to be a deadbeat, you know, you're
13 suspect of even loaning him the money, first of all, but
14 if you decide to give him the money, you know, then of
15 course, the person knows what the consequences are.

16 If that person fails to pay, you know, it may
17 be a subtle kind of a threatening that could escalate
18 from then on. It could be, maybe, you break his arms,
19 his legs, whatever the case may be, but the object is to
20 get that money back, that that money was loaned. And
21 they'll do whatever is necessary to get that money back.

22 The key thing is, I know everybody always
23 talks about, well, you know, they're not going to kill
24 the guy, simply because if they kill him, there's no way
25 he's going to pay. But you're not dealing with stable

Mr. Garcia - Direct

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1 people here, so the thought that these guys could turn
2 around and say -- one day wake up on the wrong side of
3 the bed and are aggravated for whatever personal
4 problems they may have and need that money, they may
5 just say, you know what, this guy's not worth \$1,000,
6 this guy's not worth \$10,000. I'm gonna take him out.
7 So again, it depends on the individual loanshark.

8 Q And does that uncertainty on the part of the
9 borrower work to the loanshark's benefit?

10 A The uncertainty?

11 Q Yes, of what's going to happen to him.

12 A Well, yes, of course, because he knows that, you
13 know, that they're -- he knows what the Mob is all
14 about. He knows La Cosa Nostra. He knows what they're
15 capable of. So, of course, it's in his favor to wanting
16 to pay and go as hard as much to pay this and get it
17 over with because he doesn't want a beating, and if he
18 wants a beating, then, you know, that's what he's gonna
19 get.

20 Q Can a borrower from a loanshark seek protection from
21 bankruptcy?

22 A I guess he could do that, but I mean, I'd be
23 interested to find out the results of that. I don't
24 think the La Cosa Nostra will honor that bankruptcy
25 request.

Ex.G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 09-496-1, 3,
: 09-496-4, 5,
: 09-496-8, 11,
: 09-496-14

v

JOSEPH LIGAMBI :
also known as :
UNCLE JOE :
also known as :
UNC, et al, : Philadelphia, Pennsylvania
: October 31. 2012
Defendants : 9:29 a.m.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government; FRANK A. LABOR, III, ESQUIRE
SUZANNE B. ERCOLE, ESQUIRE
DAVID FRITCHEY, ESQUIRE
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1301 New York Avenue, NW
Suite 700
Washington, DC 20005

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Mr. Garcia - Direct

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1 of course, would put the balance in it. That's -- a no
2 show job could be where you're entitled to the benefits.
3 Benefits are very important to Mobsters, inasmuch as
4 they don't have legitimate jobs. And as such, they need
5 to take care of their own personal health, as well as
6 their family, so that's always been a point of
7 contention with them.

8 The other no show job is the one where they
9 actually don't show and do get a salary. I, of course,
10 was not -- you know, didn't get that offered to me,
11 because I was an associate. But usually, that's how
12 they'd work or at least it worked in my particular case.

13 Q Now, this Local 305, you said?

14 A Yes.

15 Q That was a Local of what union?

16 A It was the retail/wholesale workers.

17 Q Do you have -- do you have any idea what they do?

18 A No clue.

19 Q Did you ever --

20 A I know I met with the president. We had a big pow-
21 wow where all the -- a lot of guys in the crews went
22 there, and they pitched this insurance to us and all
23 that, and so I took it and I was a member of that for a
24 good couple of years. In fact, their medical coverage
25 was better than the FBI's medical coverage.

Mr. Garcia - Direct

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1 Q Okay. And did you -- did you, actually, by a
2 strange turn of events, happen to use their medical
3 coverage?

4 A Yes. We used it, because we were working together
5 with the Labor Board, and in order to make -- you know,
6 we had to do it. So I've used it with them, yes. I
7 went to the doctor -- in fact, the one time, Greg
8 DePalma insisted that the whole crew was getting sloppy
9 and fat and out of shape.

10 We went to see a cardiologist. And it was at
11 that visit, that they found that I had atrial
12 fibrillation, which is an irregular heartbeat. And that
13 was what happened with -- with that. So I was not
14 diagnosed with an AFib with the FBI's medical plan, but
15 I was with the Mob. Go figure.

16 Q Okay. Now, you are retired now from the FBI?

17 A Yes, sir.

18 Q And you are testifying here as an expert witness?

19 A Yes, sir.

20 Q And you are being paid for your services as an
21 expert witness --

22 A Yes, sir.

23 Q -- is that correct? And just tell the jury what the
24 arrangement is.

25 A The arrangement was when originally we first spoke,

Ex.H

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 09-496-1, 3,
: 09-496-4, 5,
: 09-496-8, 11,
: 09-496-14

v

JOSEPH LIGAMBI :
also known as :
UNCLE JOE :
also known as :
UNC, et al, : Philadelphia, Pennsylvania
: October 31. 2012
Defendants : 9:29 a.m.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: FRANK A. LABOR, III, ESQUIRE
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Mr. Garcia - Direct

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1 I said, what's going to be the salary for this, because
2 I live out of state, and I was going away with my
3 family, and there was a lot of work to have been done.
4 And the figure you came up with was \$100 an hour.

5 Q And that was based upon other witnesses' --

6 A My understanding is what their expert is getting, so
7 we matched ours.

8 Q Okay. Now, sir, you testified that there are
9 different Mob families in different cities. Is it
10 important that these families maintain formalized
11 relationships?

12 A Absolutely.

13 Q And why is that?

14 A Well, some of these families, like the New York
15 Family, they -- they also have crews and rackets in New
16 Jersey. So there, of course, are other families
17 operating there, the Lucchese Crime Family, as well as
18 the Philadelphia Crime Family. So they -- it's need to
19 know and respect the territories and even in the actual
20 cities themselves. I mean, you deal with New York, the
21 Bronx.

22 There is other families also involved in the
23 Bronx that are -- may cross paths with something, may
24 open up bookmaking operations, may open up loansharking,
25 operate loansharking or sports betting near a location.

Ex. I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 09-496-1, 3,
: 09-496-4, 5,
: 09-496-8, 11,
: 09-496-14

v

JOSEPH LIGAMBI :
also known as :
UNCLE JOE :
also known as :
UNC, et al, : Philadelphia, Pennsylvania
: November 1, 2012
Defendants : 9:38 a.m.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: FRANK A. LABOR, III, ESQUIRE
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1 Honor, the Government moves Government Exhibit 1.17 and
2 all its sub-parts that have been offered here.

3 MR. WARREN: Your Honor, objection, subject to
4 the same proviso that Mr. Jacobs had earlier.

5 THE COURT: Okay. They're admitted subject to
6 the earlier objection or condition.

7 MR. FRITCHEY: Yes.

8 THE COURT: Very well.

9 MR. FRITCHEY: Thank you.

10 (Government Exhibit 1.17.1, 1.17.2, 1.17.7 and
11 1.17.9 are admitted into evidence.)

12 THE COURT: What are you moving on to?

13 MR. FRITCHEY: I'm moving on to the
14 conversation of October 21st at this point.

15 THE COURT: Okay. Well, let's then break
16 since we're going to a new conversation. It's 12:25.
17 We'll resume at 20 minutes to 2:00. Please do not
18 discuss the matter among yourselves or with anyone, and
19 I will see you at 20 of 2:00.

20 (Jury out, 12:21 p.m.)

21 THE COURT: Please be seated. You may step
22 down, sir. Thank you.

23 Now, let me just then summarize and apply the
24 Court's earlier rulings as they have been applied
25 specifically to the recordings. And to summarize, the

1 Court has found admissible testimony concerning
2 identification of persons who are referred to on the
3 tapes, their positions with the LCN, if any, and who are
4 relevant to the conversation.

5 The Court has also found admissible testimony
6 concerning the explanation of a term or a phrase or a
7 word which, although has an ordinary meaning, has a
8 particular meaning in Mob or LCN vocabulary. And the
9 Court also finds and has found admissible testimony
10 which explains a practice of the Mob or the LCN and
11 whether the description found in the conversation is
12 consistent with Mob or LCN practice.

13 The Court does not find admissible and has
14 sustained objections to the identification of the
15 defendants or their positions, if any, within the LCN.
16 The Court also has sustained objections to questions
17 which appear to seek what the speaker intended by what
18 he was saying or what the speaker was thinking in terms
19 of the -- what he was saying on the tape.

20 In short, the Court found permissible
21 testimony as to what a term means within the context of
22 the conversation, but not what the speaker meant to say
23 by that term. Of course, the testimony is subject to
24 cross-examination as to the basis which the expert had
25 for the opinion that the expert has rendered.

Ex. J

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 09-496-1, 3,
: 09-496-4, 5,
: 09-496-8, 11,
: 09-496-14

v

JOSEPH LIGAMBI
also known as
UNCLE JOE
also known as
UNC, et al, : Philadelphia, Pennsylvania
: November 1, 2012
Defendants : 1:40 p.m.

TRANSCRIPT OF JURY TRIAL - AFTERNOON SESSION
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:.

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Mr. Garcia - Direct

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1 you infiltrated?

2 A That is correct.

3 Q And at page two, lines eight through 11, Nicky
4 Mitarotonda says "Today we can't even go outside. The
5 last bit, I came home the next morning, the agents were
6 outside, we got a message for you. Message, I didn't
7 get no message. I don't even -- I'm no messenger, go
8 see my lawyer. No. Just to let you know you better
9 tell them guys nothing better happen to that rat."

10 At line 22 Nicholas Stefanelli says, "Greg
11 DiPalma, that agent," and at page three, line two,
12 Louis Fazzini identifies the person as "Garcia his name
13 was," meaning apparently you.

14 Did the FBI take any steps to protect you as
15 a result of the Gambino family undercover
16 investigation?

17 A Yes. There was a threat on my life and they went
18 to all the heads of the five families and important
19 captains and they basically warned them that anything
20 happens to me, it will be charged as a capital offense,
21 as well as the reign of terror of the FBI will fall
22 upon them. So, they were kind of all warned if
23 anything was to happen to me.

24 Q Okay. Thank you.

25 MR. FRITCHEY: Cross-examine.